

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

HAFEEZ IBNSALEEM AL-AMIN,

Petitioner,

v.

JAMIE MILLER,

Respondent.

JELDERKS, Magistrate Judge.

Case No. 2:22-cv-00934-JE

ORDER

Petitioner filed this 28 U.S.C. § 2254 habeas corpus case on June 30, 2022. Respondent answered the Petition for Writ of Habeas Corpus on April 7, 2023, and Petitioner's supporting memorandum was due June 6, 2023. He did not file his supporting memorandum and, instead, sought an extension of time to do so and also filed a Motion to Dismiss Claim Two (#25) which is pending and which the Court now grants. On June 9, 2023, the Court granted his Motion for Extension of Time (#22) and extended the due date for him to file his supporting memorandum to July 6, 2023.

Petitioner did not file such a brief and, instead, filed an Amended Petition for Writ of Habeas Corpus (#29) which the Court construes as a Motion to Amend. The purpose of the Motion to Amend appears to be to delete Claim Two from the original Petition for Writ of

Habeas Corpus (#2). Where the Court now grants the Motion to voluntarily dismiss Claim Two from the original Petition, the Motion to Amend is now moot. Although the deadline for filing a supporting memorandum has passed, the Court *sua sponte* extends that deadline to September 4, 2023 in the event Petitioner wishes to file such a brief.

CONCLUSION

Petitioner's Motion to Dismiss Claim Two (#25) is granted, and his Motion to Amend (#29) is denied as moot. Should Petitioner wish to file a supporting memorandum, he shall have until September 4, 2023 to do so. The Court will take this action under advisement on September 19, 2023.

IT IS SO ORDERED.

August 4, 2023
DATE

/s/ John Jelderks
John Jelderks
United States Magistrate Judge